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HUMAN RIGHTS COMMITTEE
Sixty-eighth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE FOURTH AND FIFTH PERIODIC REPORTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND - CROWN DEPENDENCIES (CCPR/C/95/Add.10)

Adopted by the Human Rights Committee on 4 November 1999

I. GENERAL ISSUES

Constitutional and legal framework within which the Covenant is implemented (arts. 2 and 4)

1. Can the Covenant be invoked before the domestic courts? To what extent do the courts have regard to Covenant rights in applying domestic law? Please give examples.

2. With reference to the information on the intended incorporation of the European Convention on Human Rights into domestic law, has the incorporation of the Covenant also been considered?

3. Please provide information on the options which are open to persons who claim that their rights under the Covenant have been violated with regard to having the violation investigated and an effective remedy offered.

4. Please provide information on education and training on the Covenant provided to government officials, schoolteachers, judges, lawyers and police officials.

Dissemination of information about the Covenant (art. 2)

5. Please indicate what steps have been taken to disseminate information on the submission of the fourth and fifth periodic reports and their consideration by the Committee.

II. JERSEY

Gender equality, right to a family and the principle of non-discrimination (arts 3, 23 and 26)

6. Please provide information on any discrimination on the basis of gender or disability in legislation or practice in public life, in particular in employment matters. In this regard, please comment on the progress or outcome of the review mentioned in paragraph 4 of the fourth report and the consultation exercise mentioned in paragraph 5 of the fifth report.

7. Please provide information on the progress or the outcome of the plans to promulgate a new Matrimonial Causes Law. Please comment on whether its aims have been achieved with regard to ensuring more effectively equality of rights for spouses during divorce and enhancing the protection afforded to the children involved (para. 10 of the fourth report).

8. Please give further information on the provisions and practice under the Separation and Maintenance Orders (Jersey) Law 1953, in particular with regard to inequalities between the genders (para. 18 of the fifth report).

9. Please provide information on any difference in treatment between legitimate and illegitimate children (para. 19 of the fifth report).

10. Please provide further information on and give examples of actions which are deemed necessary to ensure that racial discrimination does not occur (para. 16 of the fifth report).

Derogations and the right to liberty and security of person (arts. 4 and 9)

11. To what extent do the provisions of and the practice under the Prevention of Terrorism (Jersey) Law rely on derogations under article 4 of the Covenant (para. 6 of the fifth report)? When enacting the Law, to what extent did the Government take into account its obligations under the Covenant and, in particular, the concerns and recommendations expressed by the Committee in its concluding observations on the third and fourth periodic reports of the United Kingdom with regard to the United Kingdom's anti-terrorism legislation?

Right to privacy and non-discrimination (arts. 17 and 26)

12. Please comment on any differences between the regulation of heterosexual and homosexual activity in regard to age-limits, and how these differences are justified (para. 9 of the fourth report).

Freedom of religion (art. 18)

13. Please provide information on the outcome of the debate concerning the (draft) Education (Jersey) Law 1999 and, in particular, the rights of parents to withdraw their children from religious education and acts of worship in schools (para. 15 of the fifth report).

III. GUERNSEY

Gender equality and the principle of non-discrimination (arts. 3 and 26)

14. What measures have been taken pursuant to the instruction in 1993 to the States Committees to take all reasonable steps to identify and eradicate any discrimination against women in legislation or practice and to present proposals in that regard (para. 20 of the fourth report)? In particular, what action has been taken to overcome discrimination against women in regard to property, inheritance and the right to hold public office?

15. Please provide further information and comment on the hereditary system in Sark, under which realty devolves to the eldest son (para. 18 of the fourth report and para. 3 of the fifth report).

16. To what extent has the confidential service mentioned in paragraph 6 of the fifth report been used, and with what results?

Freedom of religion (art. 18)

17. Please explain how the guarantees contained in article 18 are ensured, in particular with regard to education.

IV. ISLE OF MAN

The right to liberty and security of person, and to humane treatment while in detention (arts. 7, 9 and 10)

18. Please provide further information on the "special rules for preservation of custodial discipline" mentioned in paragraph 39 of the fourth report and "the laws and procedures" which the Government deems necessary for this purpose.

19. Are juvenile offenders kept segregated from adults in all cases? What means are employed to accord them treatment appropriate to their age and legal status (para. 53 of the fourth report and para. 8 of the fifth report)?

Right to compensation for unlawful arrest or detention and right to a fair trial (arts. 9 and 14)

20. Please provide further information on the right to compensation for victims of unlawful arrest or detention and other miscarriages of justice (para. 62 of the fourth report).

Freedom of religion (art. 18)

21. Please explain how the guarantees contained in article 18 are ensured, in particular with regard to education.

Freedom of association (art. 22)

22. Please provide information on any restrictions on the right to form or join trade unions, and on any discrimination on the ground of membership in such organizations.

Access to public service (art. 25)

23. Further to the Jury Act 1980 under which men and women are equally liable for jury service, does the State party intend to withdraw its reservation to article 25, subparagraph (c), insofar as it applies to jury service in the Isle of Man? Please provide information on the practice under the Jury Act 1980 with regard to gender representation on juries.

Principle of non-discrimination (art. 26)

24. Please provide information on any discrimination on the basis of race in legislation or practice. To what extent is racial discrimination prohibited by law (para. 2 of the fifth report)?

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